REMARKS

Claim rejections under 35 USC 102

Claims 1-12 have been rejected under 35 USC 102(e) as being anticipated by Krueger (6,460,075). Claim 1 is an independent claim, from which claims 2-12 ultimately depend. Applicant respectfully submits that as previously presented, claim 1 is patentable over Krueger. As such, claims 2-12 are patentable over Krueger at least because claims 2-12 depend from a patentable base independent claim.

Claim 1 is limited to an operating system, an application program *running on the operating system*, and an audio or video program *running on the operating system*. The audio or video program is *separate from* but integrated with the application program such that the application program is unaware that the audio or video program has been integrated therewith. A user of the application program directly interacts with the application program, and interacts with the audio or video program as though the audio or video program were part of the application program.

Applicant respectfully submits that Krueger does not disclose both an application program and an audio or video program *running on the operating system*, where the audio program is *separate from* but integrated with the application program such that the application program is unaware that the audio or video program has been integrated therewith, and where a user of the application program directly interacts with the application program and interacts with the audio or video program as though the audio or video program were part of the application program.

Krueger discloses the following software programs: a browser 30, and a mail service 36, as depicted in FIG. 1. The browser 30 itself has various software components, as depicted in FIG. 4 of Krueger (see col. 4, ll. 51-53). There appears to be at best two ways to interpret Krueger, neither of which results in Krueger anticipating the claimed invention.

Under the first interpretation of Krueger, the mail service 36 can be considered the application program of the invention, and the browser 30 can be considered the audio or video

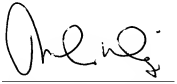
program of the claimed invention. However, this interpretation of Krueger does not result in Krueger anticipating the claimed invention, because the mail service 36 does not run on the operating system that the browser 30 runs on, in contradistinction to the claimed invention. This is because the browser 30 runs on hardware – the client 22 – that is different than the hardware – the host mail server 24 – that the mail service 36 runs on. The client 22 and the host mail server 24 necessarily have to have their own operating systems. Because the client 22 and the host mail server 24 are separate computing devices communicatively connected over a network 26, in other words, they cannot run the same operating system instance. As such, under this interpretation of Krueger, the application program/mail service 36 does not run on the operating system that the audio or video program/browser 30 runs on, in contradistinction to the claimed invention.

Under the second interpretation of Krueger, the browser 30 can be considered the application program of the invention, and the input system 100 (or any other component of the browser 30 in FIG. 4) can be considered the audio or video program of the claimed invention. However, this interpretation of Krueger also does not result in Krueger anticipating the claimed invention, because the input system 100 (or any other component of the browser 30 in FIG. 4) is not separate from the browser 30, in contradistinction to the claimed invention. This is because the input system 100 (or any other component of the browser 30 in FIG. 4) is actually *part of* the browser 30, as depicted in FIG. 4 of Krueger. Because the input system 100 (or any other component of the browser 30 in FIG. 4) is part of the browser 30, it cannot be *separate from* the browser 30. As such, under this interpretation of Krueger, the audio or video program/input system 100 (or any other component of the browser 30 in FIG. 4) is not separate from the application program/browser 30, in contradistinction to the claimed invention.

Applicant notes that the standard for anticipation under 35 USC 102 is that every aspect of a claim must *identically* appear in a single prior art reference for it to anticipate the claim under 35 USC 102. (In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990)) "[T]here must be *no difference* between the claimed invention and the reference disclosure, as viewed by a person of ordinary

skill in the field of the invention." (Scripps Clinic & Research Found. v. Genentech, Inc., 18 USPQ2d 1001, 1010 (Fed. Cir. 1991)) In the present rejection, by comparison, every aspect of claim 1 does *not identically* appear in Krueger, and there is a *difference* between the invention of claim 1 and Krueger, such that Krueger does not anticipate the invention of claim 1 under 35 USC 102.

Respectfully Submitted,



3-2-2009
Date

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